

NOTICE OF RULE ADOPTION—TEMPORARY RULE

STATE OF MISSISSIPPI MISSISSIPPI STATE DEPARTMENT OF HEALTH

MS State Department of Health
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Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Sections 41-7-185 and 41-7-18 and House Bill 211 and Senate Bill 3212 (2010 Legislative Session) effective May 1, 2010.

Reference to Rules repealed, amended or suspended by the Temporary Rule:
Title 15 – MISSISSIPPI STATE DEPARTMENT OF HEALTH – Part IX – Office of Health Policy and Planning, Division of Health Planning and Resource Development, Subpart 91 – Certificate of Need Review Manual (Effective December 1, 2009).

Date Rule Proposed: April 30, 2010

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:

These revisions of the CON Manual are required by House Bill 211 and Senate Bill 3212 (2010 Legislative Session) effective May 1, 2010. These changes in compliance with the referenced legislation include: a process and fee for transfer of counties from one existing home health agency to another existing home health agency; an additional assessment on all CON applications received on or after May 1, 2010; a process and fee for renewal/extension of an expired CON; a change in definition of capital expenditure to distinguish between an expenditure pertaining a clinical health service and a non-clinical health service expenditure and revise the capital expenditure that requires review for each category; and a fee for six-month extension requests.

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date: {Insert Date}
Time: {Insert Time}
Place: {Insert Place}

☒ An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

☒ This rule as adopted is without variance from the proposed temporary rule.

☐ This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: May 1, 2010

Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 003
Effective Date 07/29/2005